

ROYAL Baking Powder

ABSOLUTELY PURE

Healthful cream of tartar, derived solely from grapes, refined to absolute purity, is the active principle of every pound of Royal Baking Powder.

Hence it is that Royal Baking Powder renders the food remarkable both for its fine flavor and healthfulness.

No alum, no phosphate—which are the principal elements of the so-called cheap baking powders—and which are derived from bones, rock and sulphuric acid.

ROYAL BAKING POWDER CO., NEW YORK.

JUDGE CHAS. SWAYNE'S CHARGE TO JURY IN PEONAGE CASE

He Cites Law and Directs How Evidence Shall Be Considered.

INSTRUCTIONS GIVEN THE JURY COVERED EVERY PORTION OF THE TESTIMONY THAT WAS TO BE CONSIDERED IN DISPOSING OF CELEBRATED CASE.

Gentlemen of the Jury:

The defendants, W. S. Harlan, S. E. Huggins and C. C. Hilton are indicted and on trial before you for a violation of the statutes of the United States with reference to peonage, which is as follows:

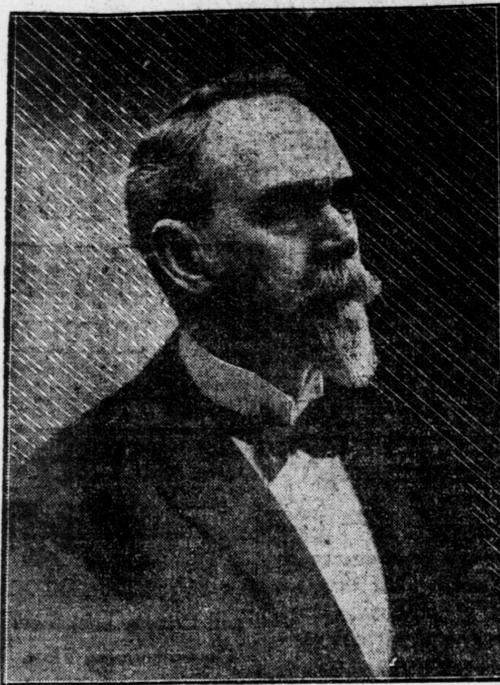
They are indicted for conspiracy to arrest one Rudolf Lanninger with the intent that he should be returned to a condition of peonage; that is to say, to compulsory service of the Jackson Lumber Company, a corporation, to work an indebtedness alleged to be due by him to the company, and that, in furtherance of the said conspiracy, and for the purpose of affecting the same, the said C. C. Hilton did by threats and force, within the northern district of Florida, and within the jurisdiction of this court, arrest the said Rudolf Lanninger, and restrain him of his liberty, against his will and consent; and further, that for the purpose of effecting the objects of the said conspiracy the said S. E. Huggins did compel the said Rudolf Lanninger to accompany him, the said S. E. Huggins, to the place of business of the said Jackson Lumber Company, a corporation, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States.

And in the second count: These same defendants are charged with on or about the 24th day of July of this year, in the county of Walton, state of Florida, that they did conspire together to arrest one Rudolf Lanninger with the intent that he should be held in a condition of peonage, that is to say in the compulsory service of the Jackson Lumber Company, and that afterwards, the said C. C. Huggins did by threats and force, within the district aforesaid, in the county of Walton, and state of Florida, and within the jurisdiction of this court, arrest the said Rudolf Lanninger, and restrain him of his liberty, against his will.

These defendants are all presumed to be innocent until proven guilty beyond a reasonable doubt, and the government in prosecuting the case must prove every material allegation in the indictment.

A conspiracy is a combination and agreement or understanding between two or more persons to commit an illegal act. The offense charged against the defendants is that they conspired, confederated and agreed to arrest one Rudolf Lanninger with the intent that he should be returned to a condition of peonage; and, second, that they did so conspire to arrest one Rudolf Lanninger with the intent that he should be held in a condition of peonage.

The unlawful agreement or combination is the gist of the offense, and is mostly evidenced by some act of



JUDGE CHAS. SWAYNE

the parties. While conspirators might proclaim their evil design from the house-top, it is seldom that they ever act so foolishly. It is rarely that the criminal purpose is even put in writing privately, and it need not be spoken of verbally amongst them, provided there is a common understanding of purpose to accomplish the criminal act. This can mostly be determined only by the acts of the parties, and the circumstances surrounding them, and their actions. It is not necessary to prove that all the parties charged met together and came to an explicit understanding, or formal agreement, or that they should all agree formally upon the details or plans by which the unlawful combination should be made effective. The offense is sufficiently proved if it satisfies the jury that two or more parties charged entered into an agreement to accomplish the common and unlawful combination, which was arrived at by mutual understanding, followed by some act done by any of the parties for the purpose of carrying it into execution.

It is not necessary that each of the parties should in person commit the unlawful act, or that they should be present, or even in the jurisdiction of this court at the time of the commission of the overt act, if it was fairly within the contemplation of their agreement that the overt act was to be done by one or more of the associates within the jurisdiction of this court, then the overt act of one is the act of all, and renders all of the associates indictable within this jurisdiction, if any overt act was committed herein. Each may perform separate and distinct acts in forwarding the combination, and proof is not required of participation of each in every step by which the unlawful scheme is carried forward. Nor is it necessary that it should be proved that all of the parties originally conspired, or that each was an original contriver of the mischief, or that all were even acquainted with each other. Mere passive knowledge of the crime or illegal act of the other is not sufficient to show the conspiracy; some active participation is necessary if there was an unlawful agreement to do the act charged between two or more parties, and at any period thereafter a new or additional party came into it for the purpose of aiding the purpose of the plan first agreed upon, and does any act in furtherance of the original design, he is from that moment a fellow conspirator, and is responsible for all the consequences which flow from such participation.

While it is not essential that each conspirator should know the exact part which every other is to perform, you must be satisfied that the party charged with participation in any of the steps taken in furtherance of the original scheme had knowledge of the parties whom he was assisting were engaged in some unlawful design. Such guilty knowledge may be inferred from his conduct if the acts proved are of a nature to satisfy you that the party was conscious of the fact that the parties with whom he was associated were engaged in doing wrong.

The court charges you gentlemen of the jury that in your consideration of this case which is an indictment against these defendants for a conspiracy, to establish a conspiracy it is not necessary that there should be evidence of a formal agreement, it is sufficient if separate details of the transaction as it was carried out indicated with requisite certainty the existence of a preconcerted plan or purpose, and if you believe the evidence in this case shows a detail of facts and circumstances in which these alleged conspirators were involved separately or collectively, and which are clearly referable to a preconcert of the actors, and there is a moral probability that they would not have occurred as they did without such preconcert, it is sufficient if it satisfies you beyond a reasonable doubt.

The offense of conspiracy under the laws of the United States is sufficiently proved if the jury is satisfied from the evidence in this case that two or more of the defendants indicted entered into an agreement to accomplish the design of arresting and returning Rudolf Lanninger to a condition of peonage, and if the evidence shows

such design was arrived at by a tacit understanding which was followed by some act done by one or all of the parties charged in the indictment in furtherance of that agreement; the joint assent of all may be proved by direct testimony or may be inferred from facts which will satisfy the jury.

You could not consider evidence of acts and facts not directly connected with the conspiracy charged in the indictment as raising any presumption that because other wholly disconnected things were done by the defendants therefore the defendants were capable of and for that reason actually did what is charged in the indictment. But on the other hand if you believe from the evidence not directly concerning the conspiracy to arrest Lanninger, that a general system of business existed at the time of his arrest and about the Lockhart camps, with the knowledge and co-operation of these defendants, or any two of them, involving an understanding between them, or any such two of them that such and such things were to be done as occasion might arise, as part of such system of business and that such system included the intimidating and chasing and returning of foreign and other employees in order to make them work out their indebtedness to the Jackson Lumber Company, and you believe that Lanninger was arrested with intent to return him to work out such indebtedness to said company, then you have a right to conclude that there was an understanding between such two or more defendants to arrest Lanninger as charged in the indictment; in other words proof of a general existing understanding on July 23rd, 1906 that any indebted foreign workmen of the company, that is, workmen recently arriving from New York, who should run away should be pursued and arrested in order to be returned to work out the indebtedness, would be proof of the alleged conspiracy to arrest Lanninger for the same purpose.

Although you believe that one of the alleged conspirators may never have known the existence of Lanninger, at the time of his arrest, yet if he participated in such a general understanding as stated, he would be guilty of the conspiracy to arrest Lanninger.

Much evidence has been offered by the government and admitted, tending to show the condition of the Jackson Lumber Company's camps near Lock-

(Continued on Page Five.)

ENDORSED AT HOME.

SUCH PROOF AS THIS SHOULD CONVINC AN ANY PENSACOLA CITIZEN.

The public endorsement of a local citizen is the best proof that can be produced. None better, none stronger, can be had. When a man comes forward and testifies to his fellow-citizens, addresses his friends and neighbors, you may be sure he is thoroughly convinced or he would not do so. Telling one's experience when it is for the public good is an act of kindness that should be appreciated. The following statement, given by a resident of Pensacola, adds one more to the many cases of home endorsement which are being published about the "Little Conqueror." Read it:

Mrs. M. White, of West Zarragosa St., says: "Any remedy that will make a cure as promptly and as thoroughly as Doan's Kidney Pills, did in my case, is well worthy of the highest recommendation. I was troubled with my kidneys for some time, indicated by severe pains in my back and sides. Sometimes it was a dull aching and at other times sharp twinges. I also had dizziness and severe headaches and an annoying difficulty with the kidneys. I happened to read an advertisement in the paper about Doan's Kidney Pills and procured a box. I felt relieved after taking a few doses and before I finished the third box, I was completely cured. I am perfectly well and healthy as far as my kidneys are concerned."

For sale by all dealers. Price 50 cents. Foster Milburn Co., Buffalo, New York, sole agents for the United States. Remember the name—Doan's and take no other.

Hon. Jake Moore

Suffered Twenty Years With Indigestion, Cured by Kodol Dyspepsia Cure.

OFFICE OF

The Prison Commission of Georgia

JOS. S. TURNER, Chairman. TOM EASON, Commissioner. ELMER A. EVANS, Commissioner. GOODLOE YANCY, Secretary. J. C. MOORE, State Warden.

ATLANTA, August 10, 1904

E. C. DeWitt & Co., Chicago, Ill.

Dear Sirs:—"I have suffered more than twenty years from Indigestion. About eighteen months ago I had grown so much worse that I could not digest a crust of corn bread and could not retain anything on my stomach. My heart would beat so fast I could not sleep, at times I would almost draw double with pain in the pit of my stomach. I lost twenty-five pounds; in fact, I made up my mind that I could not live but a short time, when a friend of mine recommended Kodol Dyspepsia Cure. I consented to try it to please him and I was better in one day. I now weigh more than I ever did in my life and am in better health than for many years. Kodol did it. I keep a bottle constantly, and write this hoping that humanity will be benefited."

Yours very truly,

Jake L. Moore

Kodol Dyspepsia Cure is the only digestant or combination of digestants that will digest all classes of food. In addition to this fact, it contains, in assimilative form, the greatest known tonic and reconstructive properties. All other digestants and dyspepsia remedies digest certain classes of food only, and are lacking in reconstructive properties.

Kodol Dyspepsia Cure is prepared at the laboratory of E. C. DeWitt & Co., Chicago, and is sold by leading druggists everywhere.

Kodol Dyspepsia Cure

DIGESTS WHAT YOU EAT FOR SALE BY HOO TON'S PHARMACY.



The Clutter Music House is now open for business. The contractor has put in the plate glass broken by the September storm and removed the scaffolding and boards which obstructed our store and our Pianos can now be examined carefully.

We have the largest stock on hand we ever carried, as our regular shipments have been continued and the pianos have piled up on us—we are going to make prices to move them.

The Piano you are going to buy for Christmas can be selected and set aside. Buy now and save \$50 to \$100. Terms on best new 1907 models and styles in latest finish, \$25 cash, balance \$10 per month, no interest. A large discount for all cash.

Just think of it, a \$400 Piano for \$300. Come and see them. These prices will move them fast.

A few bargains to give you an idea of the remarkable cut we are making in prices on high-grade Pianos:

One Kranich & Bach, large upright grand, fancy figure, walnut case. When new \$550. Used one year, \$325 for this special sale.

One new Cassell Piano, regular price \$325, this sale \$265.

One small Mahogany upright Packard, regular price \$450, this sale only \$355.

One new Kranich & Bach Mahogany case, regular price \$150, this sale \$130.

One Jacob Doll \$400 Piano, used two years, now \$225. Fifty other new Pianos just unboxed to select from.

The Clutter Music House Largest and Oldest in the State.

BAY ELECTRIC AND SUPPLY COMPANY

W. T. BEDWELL, PRES. AND MANAGER. Prepared to do all electrical repairing on short notice. Ring phone 574 and representative will call. W. T. Bedwell, President and Manager, 295 S. Bay Street.

A GOOD SIDEWALK

Gives the most ordinary property an appearance of substantial value. A poor one can ruin the effect of the handsomest house and grounds. You don't want any ragged edges to your property.

Among good sidewalks a well laid concrete one is easily best. Lasts longer, costs less for repairs and adds an air of solid dignity and worth.

We lay such sidewalks and back every one with our guarantee. May we estimate on yours?

Pensacola Cement Stone Company, S. J. Harvey, Manager. Telephone 1485.

BONIFAY

Special to The Journal. Bonifay, Nov. 23.—Miss Lola Moody, from Clarkston, is visiting Mr. De Vane's family this week.

D. Hughes of Ponce DeLeon, is in town to-day.

F. C. Pennington from near Westville, is in town to-day.

Sheriff H. E. Hickman and W. T. Bludworth went to Noma and Esto on business Wednesday.

W. H. Brett, Jr., went to Westville on a visit to relatives this week.

Mrs. Stella Breet is visiting relatives in Westville this week.

The carpenters are pushing the work on Charley Cotton's new residence.

Hon. J. A. J. Hathaway is visiting his mother out in the country.

Miss Nellie Devane visited friends in the vicinity of Clarkston last week.

Hon. H. E. Hickman went to Perry, Fla., Monday with a prisoner.

Joe Williams, a turpentine operator from out in the country, was in town today, preparing to make a shipment of spirits from here.

Chopped Hands.

Wash your hands with warm water, dry with a towel and apply Chamberlain's Salve just before going to bed, and a speedy cure is certain. This salve is also unequalled for skin diseases. For sale by all druggists.

MAXIMUM TEMPERATURE 76 DEGREES, MINIMUM 54 DEGREES

The maximum temperature at Pensacola yesterday was 76 degrees at 2:20 p. m. and the minimum 54 degrees at 5:30 a. m.

Last year on the same date the maximum was 66 degrees and the minimum 52 degrees.

JUNIORS PLAY A TIE GAME

P. C. S. and P. H. S. TEAMS PLAYED INTERESTING GAME YESTERDAY.

The junior football teams of the Pensacola High School and the Pensacola Classical School, played an interesting game yesterday afternoon on the grounds of the P. C. S., which was witnessed by a number of interested spectators. Neither of the teams were able to score, and the game resulted in a tie.

The High School Juniors kept the ball on P. C. S. territory during most of the game, but could not succeed in scoring.

TO CURE A COLD IN ONE DAY. Take LAXATIVE BROMO Quinine Tablets. Druggists refund money if it fails to cure. E. W. GROVE'S signature is on each box. 25c.

Jackson Square Coffee—a New Orleans luxury. For sale by all leading grocers. 1, 2 and 4 pound air tight tins. 25c, 50c and \$1.00.

Premiums given away. Look for pink tickets in Obelisk Flour packages.

SERVICES AT PALAFOX STREET METHODIST CHURCH TO-MORROW

Services will be conducted to-morrow morning at the Palafox Street Methodist church, when Rev. Sylvester Weeks will occupy the pulpit.

There will be no services at the church to-morrow evening, however, as the congregation has accepted the invitation of the Presbyterian church to attend the revival services being conducted there.

THE CHILDREN ENJOY

Life out of doors and out of the games which they play and the enjoyment which they receive and the efforts which they make, comes the greater part of that healthful development which is so essential to their happiness when grown. When a laxative is needed the remedy which is given to them to cleanse and sweeten and strengthen the internal organs on which it acts, should be such as physicians would sanction, because its component parts are known to be wholesome and the remedy itself free from every objectionable quality. The one remedy which physicians and parents, well-informed, approve and recommend and which the little ones enjoy, because of its pleasant flavor, its gentle action and its beneficial effects, is—Syrup of Figs—and for the same reason it is the only laxative which should be used by fathers and mothers.

Syrup of Figs is the only remedy which acts gently, pleasantly and naturally without griping, irritating, or nauseating and which cleanses the system effectually, without producing that constipated habit which results from the use of the old-time cathartics and modern imitations, and against which the children should be so carefully guarded. If you would have them grow to manhood and womanhood, strong, healthy and happy, do not give them medicines, when medicines are not needed, and when nature needs assistance in the way of a laxative, give them only the simple, pleasant and gentle—Syrup of Figs.

Its quality is due not only to the excellence of the combination of the laxative principles of plants with pleasant aromatic syrups and juices, but also to our original method of manufacture and as you value the health of the little ones, do not accept any of the substitutes which unscrupulous dealers sometimes offer to increase their profits. Please to remember, the full name of the Company—CALIFORNIA FIG SYRUP CO.—is printed on the front of every package. In

order to get its beneficial effects it is always necessary to buy the genuine only. For sale by all reliable druggists.

